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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,695	02/05/2002	George C. Jeane		9231

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EXAMINER

LANGDON, EVAN H

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,695

Applicant(s)

JEANE, GEORGE C.

Examiner

Evan H Langdon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: the description on page 7, lines 10-15 are not in line with the scope of the invention according to Figure 5.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what centerline of the recessed channel the mid-point of the line guide is aligned with.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Russell (1,654,667).

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Russell shows a fishing reel having a forward and rearward ends and two sides as seen in Figures 1 and 2, a transversely oriented, revolvable cylindrical spool 2 mounted to the frame 1 and a recessed channel for holding a length of fishing line, a means for positing 6 the fishing line onto the channel of the spool 2, and a means for controlling the rotation of the spool.

In regards to claims 2 and 3, where the means for positioning the fishing line onto the channel of the spool includes a line guide 6 mounted on the frame at 9 in a fixed position forward the spool and the channel is substantially rectangular cross-section.

In regards to claim 4, where the line guide is substantially circular 7, as seen in Figure 4.

In regards to claim 13, Russell shows a fishing reel having a forward and rearward ends and two sides as seen in Figures 1 and 2, a transversely oriented, revolvable cylindrical spool 2 mounted to the frame 1 and a recessed channel for holding a length of fishing line, a means for positing 6 the fishing line onto the channel of the spool 2, and a means for controlling the rotation of the spool, and where the means for positioning the fishing line onto the channel of the spool includes a line guide 6 mounted on the frame at 9 in a fixed position forward the spool and the channel is substantially rectangular cross-section, and where the line guide is substantially circular 7, as seen in Figure 4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, 11, 12, 14, 15, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell.

With respect to claims 6, 11, 14, and 16, Russell does not disclose specific values for diameter of the line guide and the width of the line channel. However, one of ordinary skill in the art is expected to routinely experiment with the parameters, especially when the specifics are not disclosed, so as to ascertain the optimum or workable ranges for a particular use.

Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill in the art to construct the diameter of the line guide in the range of about $\frac{3}{8}$ to about $\frac{5}{8}$ of the width of the channel (claims 6 and 14), and more specifically, to make the line guide approximately $\frac{3}{16}$ inches in diameter and the line channel approximately $\frac{11}{32}$ inches in width (claims 11, 16).

In regards to claims 7, 12, 15 and 17 Russell teaches the center of the line guide is positioned no lower than the approximately vertical mid-point of the channel and no higher than the rim of the channel. The line guide of Russell is fixedly adjustable and to meet these requirement and is shown in the above preferred embodiment in Figure 4.

Claims 8-10, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell in view of Sato.

Russell fails to show a line guide as a vertically extending elongated ring.

Sato shows a line guide 5 in Figure 8 as a vertically extending elongated ring.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the line guide of Russell to include vertically extending elongated ring as suggested by Sato, to minimize line tangling and backlash.

With respect to claims 9 and 19, Russell as modified by Sato does not disclose specific values for diameter of the line guide and the width of the line channel. However, one of ordinary skill in the art is expected to routinely experiment with the parameters, especially when the specifics are not disclosed, so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill in the art to construct the diameter of the line guide in the range of about 3/8 to about 5/8 of the width of the channel.

In regards to claims 10 and 20 Russell as modified by Sato teaches the center of the line guide is positioned no lower than approximately the vertical mid-point of the channel and no higher than the rim of the channel. The line guide of Russell is fixedly adjustable and to meet these requirements and is shown in the above preferred embodiment in Figure 4.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Guild, Boyle, Laszlo, Shumate and Zwayer show similar fishing line guides.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H Langdon whose telephone number is (703)-306-5768. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703)-308-2688. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-308-0552 for regular communications and (703)-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

ehl

March 20, 2003

Kathy Matecki
KATHY MATECKI
SUPERVISORY PATENT EXAMINER
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